IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 11223 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SONIYA SNEHAL PATEL

Versus

UNION OF INDIA & ANR.

Appearance:

1. Special Civil Application No. 11223 of 2001

MR AD DESAI for Petitioner No. 1

MR DN PATEL for Respondent No. 1

MR AMIT PANCHAL for Respondent No. 2

CORAM : MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 10/12/2001

ORAL JUDGEMENT

1. Rule. Mr. D.N. Patel, learned Standing Counsel appears and waives service of Rule on behalf of

respondent no.1. Learned counsel for the petitioner to supply a copy of the petition to Mr.Panchal. On copy being supplied to Mr. Panchal, Mr. Panchal, learned Advocate, appears and waives service of Rule on behalf of the respondent no.2-Corporation.

2. By means of this petition, the petitioner has sought for a direction to the respondent authority to consider the affidavit at Annexures C and F, for deciding the correct date of birth of the petitioner as 29/01/1970 in the passport instead of 29/02/1970, which is wrongly mentioned in the school leaving certificate. It is stated by the petitioner that the correct date of birth of the petitioner is 29/01/1970 as mentioned in the Affidavits at Annexure-C and F. But, due to some inadvertence the date of birth of the petitioner is wrongly mentioned in school leaving certificate as 29/02/1970.

3. The petitioner has moved before the respondent authority concerned for processing her application for obtaining passport with an Affidavit sworn by her father in support of the application showing the correct date of birth of petitioner. But, the respondent authority has not entertained the request/application of the petitioner and informed the petitioner that it has no power or authority to process the application for correcting the birth date of the petitioner unless and until an order is passed by the Court of law.

4. In the facts and circumstances of this case, this application is disposed of finally and the respondent no.1 authority concerned is directed to entertain, consider and decide the application, which shall be made by the petitioner, in accordance with law. In case of decision being in favour of the petitioner, make correction with regard to the date of birth of the petitioner as 29/01/1970 instead of 29/02/1970 in the passport on the basis of the affidavits produced by the petitioner and to issue the passport with correct date of birth of the petitioner, within four weeks from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent no.1 authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

The respondent no.2 is also directed to consider the application of the petitioner for issuing a duplicate certificate of birth showing the correct date of birth of the petitioner taking into consideration the material produced before it.

5. With the above directions and observations, this petition is disposed of. Rule is made absolute to the aforesaid extent only. No order as to costs. Direct service is permitted.

(Ravi R. Tripathi, J.)

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